

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK  
3 -----x

4 UNITED STATES OF AMERICA,

5 v.

22 Cr. 395 (ER)

6 BRIAN WONG,

7 Defendant.

Plea

8 -----x  
9 New York, N.Y.  
10 November 10, 2022  
11 3:50 p.m.

12 Before:

13 HON. EDGARDO RAMOS,

14 District Judge

15 APPEARANCES

16 DAMIAN WILLIAMS

17 United States Attorney for the  
18 Southern District of New York

19 BY: NEGAR TEKEEI

20 Assistant United States Attorney

21 PILLSBURY WINTHROP SHAW PITTMAN LLP

22 Attorneys for Defendant

23 BY: DAVID OLIWENSTEIN

24 JOHN VAN SON

25 Also Present:

26 ^Karina Villafont, U.S. Pretrial Services

1 (Case called)

2 THE DEPUTY CLERK: Will counsel please state their  
3 names for the record.

4 MS. TEKEEI: Good afternoon, your Honor. Negar Tekeei  
5 on behalf of the United States. And joining me at counsel's  
6 table is pretrial services officer ^Karina VilleFort.

7 MR. OLIWENSTEIN: Good afternoon, your Honor. David  
8 Oliwenstein and John Van Son of Pillsbury Winthrop Shaw Pittman  
9 on behalf of Brian Wong.

10 THE COURT: Good afternoon to you all. This matter is  
11 on for a waiver of indictment. I note for the record that it  
12 is now ten minutes to 4:00. This matter was supposed to start  
13 at 3:30. Is there a reason why we all weren't here? I was  
14 here, by the way.

15 MS. TEKEEI: With my apologies, your Honor, in advance  
16 of today's proceeding, we had coordinated with the  
17 United States Marshals Service to discuss how Mr. Wong would be  
18 transported from 500 Pearl, where he was processed by the  
19 Marshal's Service interviewed by pretrial services, to this  
20 building.

21 There was a misunderstanding in terms of how Mr. Wong  
22 was going to be transported. Our agents were able to transport  
23 him here by walking him over just a few minutes ago. But it  
24 had been our intention to have him here well in advance of the  
25 proceeding. It was a last-minute misunderstanding, although we

1 had attempted to coordinate in advance.

2 THE COURT: And the problem was getting him from 500  
3 Pearl which is a three-minute walk here?

4 MS. TEKEEI: Yes, your Honor. Mr. Wong  
5 self-surrendered this morning to the Federal Bureau of  
6 Investigation. He was processed this morning beginning at  
7 approximately 9:30 over here, brought over to 500 Pearl to be  
8 processed by the Marshal's Service.

9 He was subsequently interviewed by pretrial services,  
10 I believe in the presence of his counsel, although his counsel  
11 can correct me if that's not correct. And then the agents  
12 waited with Mr. Wong at pretrial services until it was time to  
13 bring Mr. Wong here.

14 And at that point, there was a misunderstanding by the  
15 Marshal's Service about how the agents were going to bring  
16 Mr. Wong here to 40 Foley. We attempted to work it out as  
17 quickly as we could, your Honor.

18 My apologies. We did alert the marshals to this in  
19 advance of today's proceeding and reminded them this morning.  
20 So clearly there were some miscommunications about the  
21 transport.

22 THE COURT: Thank you, Ms. Tekeei.

23 As I'm sure you are well aware, I always start on  
24 time.

25 So what are we doing?

1 MS. TEKEEI: Your Honor, we are here for the filing of  
2 an information and a plea proceeding. We understand the Court  
3 has a waiver of indictment before it for Mr. Wong.

4 So it is a waiver of indictment, filing of an  
5 information, and a plea proceeding, to be followed by the  
6 parties have a proposal for bail conditions for the Court to  
7 consider.

8 THE COURT: Very well. So let's -- has he been  
9 arraigned?

10 MS. TEKEEI: No, your Honor.

11 THE COURT: You can remain seated.

12 MS. TEKEEI: Thank you, Your Honor.

13 THE COURT: None of you have to stand.

14 You'll have to help me again with your name.

15 Is it Oliwenstein?

16 MR. OLIWENSTEIN: It's Oliwenstein, your Honor.

17 THE COURT: Okay. I'll see if I can try and do that.

18 Mr. Oliwenstein, have you received a copy of the  
19 information?

20 MR. OLIWENSTEIN: We have, your Honor.

21 THE COURT: Have you reviewed it with your client?

22 MR. OLIWENSTEIN: Yes, we have, your Honor.

23 THE COURT: Do you wish a public reading?

24 MR. OLIWENSTEIN: No, your Honor.

25 THE COURT: Very well. My understanding is that your

1 client wishes to waive indictment and enter a plea.

2 Is that correct?

3 MR. OLIWENSTEIN: That's correct, your Honor.

4 THE COURT: Mr. Wong, your lawyer has advised me that  
5 you wish to waive indictment and plead guilty to an  
6 information. I'm happy to do that with you this afternoon.

7 But before I do that, I need to ask you a series of  
8 questions, and I'm trying to determine very generally a couple  
9 of things. I'm trying to determine whether you understand your  
10 right to be indicted by a grand jury.

11 And beyond that, I'm trying to determine whether you  
12 understand what is going on here today and the consequences of  
13 entering a plea of guilty. And I'm also trying to determine  
14 whether you are in fact guilty of the crime to which you wish  
15 to plead guilty.

16 And in order to do that, I need to ask you a series of  
17 questions. It is vitally important that you be truthful. So  
18 I'm going to place you under oath.

19 Okay?

20 THE DEFENDANT: Yes, your Honor.

21 (Defendant sworn)

22 THE COURT: Sir, you may be seated.

23 You don't have to stand either. So you can all remain  
24 seated throughout the course of this proceeding. Just please,  
25 if you're speaking, have a microphone close to you and speak

1 directly into the microphone.

2 Mr. Wong, you are now under oath.

3 Do you understand that if you answer any of my  
4 questions falsely, your answers could be used against you in a  
5 prosecution for perjury or for making a false statement?

6 THE DEFENDANT: Yes, your Honor.

7 THE COURT: So I'm going to start. As I indicated,  
8 I'm going to ask you a series of questions. If I ask you a  
9 question and you don't understand it, just let me know that,  
10 and I'll give you an opportunity to speak with your attorney.  
11 Or if I ask you a question and you wish to speak with your  
12 attorney before answering it, just let me know that, and I'll  
13 give you that opportunity.

14 Okay?

15 THE DEFENDANT: Okay, your Honor.

16 THE COURT: I'm going to start with some background  
17 questions.

18 What is your full name?

19 THE DEFENDANT: Brian Chung Wong, your Honor.

20 THE COURT: How old are you.

21 THE DEFENDANT: I am 44 years old, your Honor.

22 THE COURT: How far did you get in school?

23 THE DEFENDANT: Tenth grade, and then I took the GED,  
24 your Honor.

25 THE COURT: Are you able to read and write in English?

1                   THE DEFENDANT: Yes, your Honor.

2                   THE COURT: Are you now or have you recently been  
3 under the care of a doctor or psychiatrist?

4                   THE DEFENDANT: No, your Honor.

5                   THE COURT: Have you ever been treated or hospitalized  
6 for any mental illness or any type of addiction, including drug  
7 or alcohol addiction?

8                   THE DEFENDANT: No, your Honor.

9                   THE COURT: In the past 24 hours, have you taken any  
10 drugs, medicine, or pills, or have you consumed any alcohol?

11                  THE DEFENDANT: No, your Honor.

12                  THE COURT: Is your mind clear today?

13                  THE DEFENDANT: Yes, your Honor.

14                  THE COURT: Sir, are you feeling well enough to  
15 proceed and to understand what is going on here today?

16                  THE DEFENDANT: Yes, your Honor.

17                  THE COURT: Your attorney has informed me that you  
18 wish to waive indictment and enter a plea of guilty.

19                  Is that correct?

20                  THE DEFENDANT: Yes, your Honor.

21                  THE COURT: Have you had a full opportunity to discuss  
22 your case with your attorney, including any possible defenses  
23 that you might have?

24                  THE DEFENDANT: Yes, your Honor.

25                  THE COURT: Sir, are you satisfied with your attorney

1 and his representation of you?

2 THE DEFENDANT: Yes, your Honor.

3 THE COURT: Have you had a full opportunity to discuss  
4 with him the consequences of entering a plea of guilty?

5 THE DEFENDANT: Yes, your Honor.

6 THE COURT: Does either counsel have any doubt as to  
7 Mr. Wong's competence to waive indictment and enter a  
8 guilty plea at this time?

9 Ms. Tekeli?

10 MS. TEKEE: No, your Honor.

11 THE COURT: Mr. Oliwenstein?

12 MR. OLIWENSTEIN: No, your Honor.

13 THE COURT: Very well. On the basis of Mr. Wong's  
14 responses to my questions and my observations of his demeanor,  
15 I find that he is if fully competent to waive indictment and  
16 enter an informed guilty plea at this time.

17 So let's deal with the waiver of indictment.

18 Mr. Wong, have you received a copy of the superseding  
19 information?

20 THE DEFENDANT: Yes, your Honor.

21 THE COURT: Have you discussed it with your attorney?

22 THE DEFENDANT: Yes, your Honor.

23 THE COURT: Do you understand that that document is  
24 called a "superseding information"?

25 THE DEFENDANT: Yes, your Honor.

1                   THE COURT: And a felony information.

2                   Do you understand that?

3                   THE DEFENDANT: Yes, your Honor.

4                   THE COURT: And do you understand that this  
5 information was issued by the United States Attorney in this  
6 district?

7                   THE DEFENDANT: Yes, your Honor.

8                   THE COURT: And, Mr. Wong, do you understand that  
9 because the charges against you are serious -- indeed, they are  
10 felonies -- you have a constitutional right to require the  
11 government to present evidence to a grand jury to see whether  
12 the grand jury would vote to charge you with that offense?

13                  Do you understand that?

14                  THE DEFENDANT: Yes, your Honor.

15                  THE COURT: And, sir, do you understand that a grand  
16 jury is a group made up of at least 16 but not more than 23  
17 citizens and that at least 12 of them were apt to believe there  
18 was probable cause to believe that a crime was committed and  
19 that you committed it before you could be indicted?

20                  THE DEFENDANT: Yes, your Honor.

21                  THE COURT: And, sir, if the grand jury voted to  
22 charge you, the document they issued would be called an  
23 indictment. And it would be signed both by the U.S. attorney  
24 and foreperson of the grand jury.

25                  Do you understand that?

1                   THE DEFENDANT: Yes, your Honor.

2                   THE COURT: And, Mr. Wong, do you wish to give up your  
3 right to have your case presented to the grand jury?

4                   THE DEFENDANT: Yes, your Honor.

5                   THE COURT: Did you discuss that decision thoroughly  
6 with your lawyer?

7                   THE DEFENDANT: Yes, your Honor.

8                   THE COURT: Now, I've been provided with a form. It's  
9 known as a waiver of indictment form. Let me hold it up.

10                  Are you able to see it from where you're seated?

11                  THE DEFENDANT: Yes, your Honor.

12                  THE COURT: Is that your signature on this form?

13                  THE DEFENDANT: Yes, your Honor.

14                  THE COURT: And when you signed it, did you sign it  
15 voluntarily?

16                  THE DEFENDANT: Yes, your Honor.

17                  THE COURT: Before you signed it, did you discuss it  
18 with your attorney?

19                  THE DEFENDANT: Yes, your Honor.

20                  THE COURT: Very well. This document will be marked  
21 as Court Exhibit Number 1.

22                  And when you signed it, Mr. Wong, did you understand  
23 that you were acknowledging your willingness to give up your  
24 right to be indicted by the grand jury?

25                  THE DEFENDANT: Yes, your Honor.

1                   THE COURT: Did anyone threaten you or force you to  
2 give up that right?

3                   THE DEFENDANT: No, your Honor.

4                   THE COURT: Very well. I find that Mr. Wong has  
5 knowingly and voluntarily waived his right to be indicted by a  
6 grand jury, and the information will be accepted for filing.

7                   Mr. Oliwenstein, do you want me to read the  
8 superseding information?

9                   MR. OLIWENSTEIN: No, your Honor.

10                  THE COURT: Mr. Wong, do you understand that you are  
11 charged in this superseding information with conspiracy to  
12 commit securities fraud and tender offer fraud?

13                  THE DEFENDANT: Yes, your Honor.

14                  THE COURT: Ms. Tekeei, what are the elements of that  
15 offense?

16                  MS. TEKEEI: Thank you, your Honor.

17                  In order to prove that the defendant is guilty of  
18 being an accessory after the fact as charged in Count One of  
19 the superseding information, the government must establish each  
20 of the following elements beyond a reasonable doubt:

21                  First, that the crime of conspiracy to commit  
22 securities fraud and tender offer fraud, as charged in Count  
23 One of the indictment captioned United States v. Markin and  
24 Wong, 22 Cr. 395 (ER), was committed by Brandon Wong.

25                  Second, that the defendant had knowledge of the

1 commission of that crime and Brandon Wong's participation in  
2 it; and

3                   Third, that with such knowledge, the defendant in some  
4 way assisted Brandon Wong with the specific purpose or plan to  
5 hinder or prevent Brandon Wong's apprehension, trial, or  
6 punishment.

7                   THE COURT: Thank you.

8                   Mr. Wong, did you hear what the prosecutor said?

9                   THE DEFENDANT: Yes, your Honor.

10                  THE COURT: Sir, do you understand that if you did not  
11 plead guilty to the count in the superseding information, the  
12 government would have to prove each and every element of that  
13 charge beyond a reasonable doubt at trial?

14                  THE DEFENDANT: Yes, your Honor.

15                  THE COURT: And, sir, have you discussed with your  
16 attorneys the possible punishment that you face as a result of  
17 that charge?

18                  THE DEFENDANT: Yes, your Honor.

19                  THE COURT: So do you understand that that charge  
20 carries a maximum term of imprisonment of 2 1/2 years?

21                  THE DEFENDANT: Yes, your Honor.

22                  THE COURT: Do you also understand that that count  
23 carries a maximum term of supervised release of one year?

24                  THE DEFENDANT: Yes, your Honor.

25                  THE COURT: And that, in addition, there are financial

1 penalties, including a \$100 special assessment, that I must  
2 impose and a fine that I could impose that can be the greater  
3 of either \$125,000 or the gross gain from the offense or the  
4 gross loss to any victims of the offense?

5 Do you understand that?

6 THE DEFENDANT: Yes, your Honor.

7 THE COURT: Now, I used a term "supervised release."

8 Mr. Wong, do you understand that "supervised release"  
9 means that you will be subject to monitoring and supervision,  
10 when you are released from prison, if you are sentenced to a  
11 prison term?

12 THE DEFENDANT: Yes, your Honor.

13 THE COURT: And there are terms and conditions of  
14 supervised release with which you must comply. And if you do  
15 not comply with them, you could be returned to prison without a  
16 jury trial.

17 Do you understand that?

18 THE DEFENDANT: Yes, your Honor.

19 THE COURT: Sir, do you also understand that if you  
20 violate the terms or conditions of supervised release and are  
21 returned to prison, that new prison term could be for part or  
22 all of the term of supervised release and that you will not get  
23 credit for time previously served in prison or for time  
24 previously served on a violation of supervised release?

25 THE DEFENDANT: Yes, your Honor.

1                   THE COURT: Do you also understand that as part of  
2 your sentence, I can also order restitution to any person  
3 injured as a result of your conduct?

4                   Do you understand that.

5                   THE DEFENDANT: Yes, your Honor.

6                   THE COURT: Mr. Wong, do you further understand that  
7 if I accept your guilty plea and find you guilty, that  
8 determination may deprive you of certain valuable civil rights  
9 such as the right to vote, the right to hold public office, the  
10 right to serve on a jury, the right to possess any kind of  
11 firearm, and the right to hold certain professional licenses?

12                  THE DEFENDANT: Yes, your Honor.

13                  THE COURT: The next series of questions that we need  
14 to discuss involve the rights that you're giving up by pleading  
15 guilty, including your constitutional rights. So, again,  
16 please listen very carefully.

17                  First, you have the right to be represented by an  
18 attorney at trial and at every other stage of the proceeding.  
19 If you could not afford an attorney, an attorney would be  
20 appointed to represent you without cost to you.

21                  Do you understand that?

22                  THE DEFENDANT: Yes.

23                  THE COURT: You have a right to a speedy and public  
24 trial by a jury on the charges against you which are contained  
25 in the information.

1                   Do you understand that?

2                   THE DEFENDANT: Yes, your Honor.

3                   THE COURT: At trial, you would be presumed innocent,  
4 and the government would be required to prove you guilty by  
5 competent evidence beyond a reasonable doubt before you could  
6 be found guilty. You would not have to prove that you were  
7 innocent at trial.

8                   Do you understand?

9                   THE DEFENDANT: Yes, your Honor.

10                  THE COURT: If there were a jury trial, the jury would  
11 be composed of 12 people selected from this district, and all  
12 12 would have to agree unanimously that you are guilty before  
13 you could be found guilty.

14                  Do you understand?

15                  THE DEFENDANT: Yes, your Honor.

16                  THE COURT: At trial, would you have the right to see  
17 and hear all of the witnesses against you, and your attorney  
18 could cross-examine them.

19                  Your attorney could object to the government's  
20 evidence and offer evidence on your behalf. You would also  
21 have the right to have subpoenas issued to compel witnesses to  
22 come to court to testify in your defense.

23                  Do you understand?

24                  THE DEFENDANT: Yes, your Honor.

25                  THE COURT: At any trial, you would have the right to

1 testify if you wanted to. But no one could force you to  
2 testify. And if you chose not to testify, the jury would be  
3 told that it could not hold that against you.

4 Do you understand that?

5 THE DEFENDANT: Yes, your Honor.

6 THE COURT: If you were convicted at trial, you would  
7 have the right to appeal that verdict.

8 Do you understand?

9 THE DEFENDANT: Yes, your Honor.

10 THE COURT: And, sir, do you also understand that by  
11 entering a plea of guilty here today, you are giving up all of  
12 the rights that I have just described, except for your right to  
13 counsel, and you will be found guilty based just on your plea  
14 of guilty?

15 THE DEFENDANT: Yes, your Honor.

16 THE COURT: And, Mr. Wong, do you understand that you  
17 can change your mind right now for any reason and decide that  
18 you do not want to enter a plea of guilty?

19 THE DEFENDANT: Yes, your Honor.

20 THE COURT: Mr. Wong, are you a United States citizen?

21 THE DEFENDANT: Yes, your Honor.

22 THE COURT: Now, the next series of questions that we  
23 need to go over involve the sentencing guidelines. So let me  
24 begin by asking you:

25 Do you understand that there are sentencing guidelines

1 that I must consider in determining the appropriate sentence in  
2 your case?

3 THE DEFENDANT: Yes, your Honor.

4 THE COURT: Have you spoken with your attorneys about  
5 how the guidelines apply to your case?

6 THE DEFENDANT: Yes, your Honor.

7 THE COURT: Sir, do you understand that I have to  
8 calculate the applicable guidelines range and then consider  
9 that range in determining what your sentence will be?

10 THE DEFENDANT: Yes, your Honor.

11 THE COURT: And do you also understand that I will not  
12 be able to make that determination until after a presentence  
13 report has been completed by the U.S. Probation Office and both  
14 you and your attorneys and the government have had a chance to  
15 review and challenge any aspect of that draft report?

16 Do you understand?

17 THE DEFENDANT: Yes, your Honor.

18 THE COURT: And do you further understand that even  
19 after I receive the final report and calculate the applicable  
20 guidelines range, I have the ability to impose a sentence that  
21 can be higher or lower than what the guidelines recommend?

22 THE DEFENDANT: Yes, your Honor.

23 THE COURT: Sir, do you also understand that in  
24 addition to determining the applicable guidelines range in  
25 fashioning the appropriate sentence, I also have to consider a

1 number of factors set forth in a law known as Title 18 of the  
2 United States Code, Section 3553(a), which requires me to  
3 consider a number of factors, including your history and  
4 characteristics and the nature of the offense that you're  
5 pleading guilty to in determining the appropriate sentence in  
6 your case?

7 Do you understand that?

8 THE DEFENDANT: Yes, your Honor.

9 THE COURT: So even after I determine the applicable  
10 guidelines range, I also must consider these other factors and,  
11 again, might settle on a sentence that is higher or lower than  
12 what the guidelines recommend.

13 THE DEFENDANT: Yes, your Honor.

14 THE COURT: Sir, do you understand that if your  
15 attorney or anyone else has attempted to estimate or predict  
16 what your sentence will be, their estimate or prediction could  
17 be wrong?

18 THE DEFENDANT: Yes, your Honor.

19 THE COURT: Sir, while it is perfectly appropriate for  
20 you and your attorneys to have discussed how the sentence will  
21 be calculated, no one can give you any assurance of what your  
22 sentence will be.

23 Do you understand that?

24 THE DEFENDANT: Yes, your Honor.

25 THE COURT: And I say all this to you, Mr. Wong,

1 because you need to understand today that if your sentence is  
2 different from what your attorney or anyone else told you that  
3 it might be or if it's different from what you expect or if  
4 it's different from what is contained in your agreement with  
5 the government, you will still be bound by your guilty plea,  
6 and you will not be allowed to withdraw your guilty plea.

7 Do you understand that?

8 THE DEFENDANT: Yes, your Honor.

9 THE COURT: Sir, do you understand that if you are  
10 sentenced to prison, there is no parole in the federal system  
11 and you will not be released early on parole?

12 THE DEFENDANT: Yes, your Honor.

13 THE COURT: Now, the next series of questions that we  
14 need to go over involve your agreement with the government.

15 I have a letter dated November 8, 2022. It's  
16 addressed to your attorney. It's a six-page letter. There are  
17 a series of signatures on page 6, including one that purports  
18 to be yours.

19 Let me hold this up.

20 Can you see that from where you are seated?

21 THE DEFENDANT: Yes, your Honor.

22 THE COURT: Is that your signature on page 6?

23 THE DEFENDANT: Yes, your Honor.

24 THE COURT: Very well. This document will be marked  
25 as Court Exhibit Number 2.

1                   Mr. Wong, did you read this letter before you signed  
2 it?

3                   THE DEFENDANT: Yes, your Honor.

4                   THE COURT: Did you discuss it with your attorney  
5 before you signed it?

6                   THE DEFENDANT: Yes, your Honor.

7                   THE COURT: Did you fully understand the letter when  
8 you signed it?

9                   THE DEFENDANT: Yes, your Honor.

10                  THE COURT: Does this letter include your  
11 understanding of the entire agreement between you and the  
12 government?

13                  THE DEFENDANT: Yes, your Honor.

14                  THE COURT: Mr. Wong, is there any other agreement or  
15 any other promise about your plea or your sentence that is not  
16 contained in this letter?

17                  THE DEFENDANT: No, your Honor.

18                  THE COURT: Did anyone threaten you or force you to  
19 enter into this agreement?

20                  THE DEFENDANT: No, your Honor.

21                  THE COURT: Other than what is in this agreement, has  
22 anyone promised you anything or offered you anything to plead  
23 guilty or to enter into the agreement?

24                  THE DEFENDANT: No, your honor.

25                  THE COURT: Has anyone made a promise to you as to

1 what your sentence will be?

2 THE DEFENDANT: No, your Honor.

3 THE COURT: Now, Mr. Wong, there is an estimate -- do  
4 you understand that there is a stipulation in the agreement  
5 regarding the sentencing guidelines which is referred to as the  
6 "stipulated guidelines range"?

7 Do you understand that that stipulation or agreement  
8 binds you and it binds the government, but it does not bind me  
9 and that I'm still going to make my own determination as to  
10 what the applicable guidelines range is?

11 THE DEFENDANT: Yes, your Honor.

12 THE COURT: And, sir, do you understand that  
13 understand certain circumstances, you would have the right to  
14 appeal any sentence that I impose?

15 Do you understand that?

16 THE DEFENDANT: Yes, your Honor.

17 THE COURT: However, there is an agreement in the  
18 letter that says if I sentence you within or below the  
19 stipulated guidelines range, you are essentially giving up your  
20 right to appeal the sentence.

21 Do you understand that?

22 THE DEFENDANT: Yes, your Honor.

23 THE COURT: Ms. Tekeli, would you please summarize  
24 what the government would be prepared to prove if this case  
25 were to proceed to trial.

1 MS. TEKEEI: Thank you, your Honor.

2 The government's proof at trial would include the  
3 following:

4 Documentary evidence such as financial records  
5 regarding purchases and sales of Pandion shares by Defendants  
6 Seth Markin, Brandon Wong, and others; electronic evidence  
7 including cell phone communications between Brandon Wong and  
8 Seth Markin regarding trading in Pandion and between the  
9 defendant and Brandon Wong regarding trading in Pandion;  
10 electronic evidence, including images of the defendant's  
11 electronic devices showing deleted communications between the  
12 defendant and Brandon Wong regarding the securities trades;  
13 testimony from FBI agents about the defendant's false  
14 statements regarding his trades in Pandion; and conversations  
15 with his brother about Pandion during a noncustodial interview  
16 with the FBI; and testimony from FBI agents that the defendant  
17 made false statements regarding his trades in Pandion in  
18 conversations with his brother during proffer sessions here in  
19 the Southern District of New York which also provide a basis  
20 for venue in this district which must be proven by a  
21 preponderance of the evidence.

22 THE COURT: Thank you, Ms. Tekeei.

23 Mr. Wong, did you hear what the prosecutor said?

24 THE DEFENDANT: Yes, your Honor.

25 THE COURT: And, sir, have you clearly understood

1 everything that has happened here today so far?

2 THE DEFENDANT: Yes, your Honor.

3 THE COURT: Mr. Wong, will you please now tell me in  
4 your own words what it was that you did that you believe makes  
5 you guilty of the crime alleged in the superseding information.

6 THE DEFENDANT: Yes, your Honor. Between  
7 approximately February 2021 and September 2022, knowing that a  
8 crime against the United States had been committed, I deleted  
9 text messages related to securities trades made by my brother,  
10 Brandon Wong, who lives and received those text messages in  
11 Manhattan, and made statements to law enforcement which I knew  
12 were false or misleading related to those securities trades  
13 made by Brandon Wong while he was physically present in  
14 Manhattan, and knew that these actions would help my brother  
15 avoid getting caught and punished for the crimes he committed.

16 I took these actions for the purpose of helping my  
17 brother. I understand that these actions tended to hinder my  
18 brother's apprehension, trial, and punishment were wrong. And  
19 I apologize for them.

20 THE COURT: Mr. Wong, when you committed these acts,  
21 did anyone threaten you or force you to do them?

22 THE DEFENDANT: No, your Honor.

23 THE COURT: Does either counsel wish me to make any  
24 further inquiries?

25 Ms. Tekeli?

1 MS. TEKEEI: Your Honor, with apologies if I missed  
2 it.

3 Did the Court inquire of Mr. Wong whether anybody  
4 forced or threatened him into entering into the plea agreement  
5 or entering into this plea today?

6 THE COURT: I did ask him that. I believe I did.

7 Mr. Oliwenstein, do you want to confirm.

8 MR. OLIWENSTEIN: I believe you did, your Honor.

9 THE COURT: Anything else?

10 MS. TEKEEI: Your Honor, we also request that the  
11 Court ask Mr. Wong to admit to the forfeiture allegation which  
12 is in the information and is also stipulated to in the plea  
13 agreement.

14 THE COURT: Very well. Mr. Wong do you admit to the  
15 forfeiture allegation in the information?

16 THE DEFENDANT: Yes, your Honor.

17 THE COURT: Anything more from you, Mr. Oliwenstein?

18 MR. OLIWENSTEIN: No. Nothing, your Honor.

19 THE COURT: Mr. Oliwenstein, do you know of any reason  
20 why your client should not be permitted to plead guilty?

21 MR. OLIWENSTEIN: I don't, your Honor.

22 THE COURT: And do you believe that there is an  
23 adequate factual basis to support the plea of guilty?

24 MR. OLIWENSTEIN: I do, your Honor.

25 THE COURT: Ms. Tekeli, do you believe that there is

1 an adequate factual basis to support the plea of guilty?

2 MS. TEKEEI: Yes, your Honor.

3 THE COURT: Mr. Wong, how do now plead to the charge  
4 in the superseding information?

5 Guilty or not guilty?

6 THE DEFENDANT: Guilty, your Honor.

7 THE COURT: Are you in fact guilty of that charge?

8 THE DEFENDANT: Yes, your Honor.

9 THE COURT: Are you pleading guilty voluntarily and of  
10 your own free will?

11 THE DEFENDANT: Yes, your Honor.

12 THE COURT: Very well, Mr. Wong. Because you  
13 acknowledge that you are in fact guilty as charged in Count One  
14 of the superseding information, because I find that you know  
15 your rights and are waiving them knowingly and voluntarily with  
16 an understanding of the consequences of your plea, including  
17 the potential sentence that may be imposed, I accept your  
18 guilty plea and find you guilty on Count One.

19 I will direct that a presentence report be prepared by  
20 the U.S. Probation Office. You will be interviewed by  
21 probation as part of that process. You can and should have  
22 your lawyer with you during that interview.

23 It is also entirely possible that the probation  
24 department will want to interview members of your family with  
25 whom you live. So you should let them know that.

1                   The presentence report is a very important part in my  
2 decision as to what your sentence will be. Both you and your  
3 attorney will have the opportunity to speak on your behalf  
4 before I impose a sentence.

5                   Do we have a date for sentencing?

6                   THE DEPUTY CLERK: February 16 at 11:00 a.m.

7                   THE COURT: Should we discuss bail?

8                   MS. TEKEEI: Yes, your Honor.

9                   THE COURT: I understand that there's an agreement.

10                  MS. TEKEEI: Yes, your Honor. There's a proposal for  
11 the Court to consider.

12                  THE COURT: Very well.

13                  MS. TEKEEI: Your Honor, the parties have discussed in  
14 advance of the proceeding, and we propose the following bail  
15 conditions for Mr. Wong:

16                  A \$250,000 personal recognizance bond; pretrial  
17 services supervision as directed; the surrender of all travel  
18 documents and no new applications, including a Hong Kong ID  
19 travel restricted to the Southern District of New York, the  
20 Eastern District of New York, the District of New Jersey, and  
21 the Eastern District of Pennsylvania; to seek and maintain  
22 verifiable employment; and no contact with codefendants or  
23 witnesses, with the exception of immediate family, unless in  
24 the presence of counsel.

25                  THE COURT: Mr. Oliwenstein?

1                   MR. OLIWENSTEIN: Your Honor, that accurately reflects  
2 our agreement.

3                   If I may just very briefly address one point in the  
4 pretrial services recommendation. There was a recommendation  
5 that the recognizance bond be cosigned by one financially  
6 responsible person. We don't think that that's necessary or  
7 appropriate here.

8                   This guilty plea today is the product of several  
9 months' worth of negotiations with the government. Mr. Wong  
10 has not attempted to go anywhere. He pled guilty today. He  
11 has extensive ties to the community. He lives with his wife  
12 and daughter in New Jersey. He takes care of his elderly  
13 parents in Manhattan.

14                   Mr. Wong is a U.S. citizen, and he's been here since  
15 1986. We think that the package as proposed by the government  
16 is more than sufficient to assure his appearance.

17                   THE COURT: I understood the government to agree with  
18 that. So a cosigner will not be necessary, and the bail  
19 conditions will be set as agreed to by the parties.

20                   Is there anything else that we should do today?  
21 Ms. Tekeei?

22                   MS. TEKEEI: Not on behalf of the government, your  
23 Honor. Thank you.

24                   THE COURT: There is something else that I need to do  
25 that's concerning Federal Rule of Criminal Procedure Rule 5(f).

1 And I state the following into the record:

2 I direct the prosecution to comply with its  
3 obligations under *Brady v. Maryland* and its progeny to disclose  
4 to the defense all information, whether admissible or not, that  
5 is favorable to the defendant, material either to guilt or to  
6 punishment, and known to the prosecution.

7 Possible consequences for noncompliance may include  
8 dismissal of individual charges or the entire case, exclusion  
9 of evidence, and professional discipline or court sanctions on  
10 the attorneys responsible.

11 I will be entering a written order more fully  
12 describing this obligation and the possible consequences of  
13 failing to meet it. And I direct the prosecution to review and  
14 comply with that order.

15 Ms. Tekeei, do you confirm that you understand your  
16 obligations and will fulfill them?

17 MS. TEKEEI: Yes, your Honor.

18 THE COURT: Anything more from you, Mr. Oliwenstein?

19 MR. OLIWENSTEIN: No, your Honor. Thank you, your  
20 Honor.

21 THE COURT: Very well. We are adjourned and off the  
22 record.

23 (Adjourned)